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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/503,037

02/11/2000

Joseph Korb

84582.1000

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01/17/2006

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/503,037

Applicant(s)

KORB ET AL.

Examiner

Joseph E. Avellino *PA*

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/14/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Newly added claims 36-51 are presented for examination. The Office acknowledges the cancellation of claims 1-35.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 14, 2005 has been entered.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 42 and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not teach one of ordinary skill in the art that the first request is sent without an identification of the wireless device type. Furthermore

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Applicant states in the specification that it is important that the protocol includes an element that indicates the wireless device type (specification, page 7, lines 20-22).

Therefore it is required that the first request must include the device type. If this is an oversight by the Office, Applicant is invited to point out specifically where it is taught that the request sent by the wireless device to the web server is sent without an identification of the wireless device type.

***Claim Rejections - 35 USC § 103***

Claims 36-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mousseau et al. (USPN 6,477,529) (hereinafter Mousseau) in view of Kadyk et al. (USPN 6,674,767) (hereinafter Kadyk) in view of Landgren (USPN 6,115,754) (cited by Applicant in IDS).

5. Referring to claim 36, Mousseau discloses a method for transferring data to a wireless device over a wireless communications network, said method comprising the comprising:

configuring a web server so that users of a plurality of different types of wireless devices can access web pages on the Internet over their corresponding wireless communications network through the web server (col. 3, lines 34-45);

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receiving a first request at the web server to view a particular Internet web page that is sent from one of the plurality of wireless devices over the corresponding wireless communications network for that device using a transport protocol (col. 4, lines 25-45);

in response, sending a second request for the web page to a destination server containing the web page (col. 4, lines 25-35);

receiving the web page at the web server (col. 4, lines 25-35).

Mousseau does not specifically disclose removing data that is not displayable on the wireless device based on the wireless device type, that the transport protocol includes an element which identifies the type of wireless device making the request, and transmitting the parsed page from the server to the device in a plurality of data packets wherein the transmission is paced by the web server based on the network type. Kadyk discloses another method of transferring data to a wireless device over a wireless communications network which also transmits an identification of a wireless device type transmitted from the wireless device (since the wireless device uses the transport protocol, it is inherent that the transport protocol provides the ability to transfer the device type) which can be used to identify the mobile unit (Figures 5-6, reference characters 506, 606; col. 12, lines 38-60). Kadyk further discloses that the removed data is dependent upon said wireless device type (col. 13, lines 9-12, 29-33). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Kadyk with Mousseau to reduce the number of gateways needed to exchange data with a wide range of networks and devices such as in the

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wireless world as supported by Kadyk (col. 2, lines 30-33) thereby reducing complexity of the system while allowing for the ease of future upgrades or replacements.

Mousseau in view of Kadyk do not specifically disclose requested data is transmitted to said wireless device in data packets at a pace dependent upon said wireless communications network type. Landgren discloses requested data is transmitted to said wireless device in data packets at a pace dependent upon said wireless communications network type (col. 9, line 62 to col. 10, line 24). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Landgren with Mousseau and Kadyk to efficiently determine a mobile unit's position as stated in Landgren (col. 2, lines 64-67).

6. Referring to claim 37, Mousseau discloses reformatting said request into an HTTP request prior to transmitting said request to said second server (col. 4, lines 26-41).

7. Referring to claims 38 and 39, Mousseau discloses the web server reformats (i.e. restricts) the parsed data into HTML (col. 6, line 1-4).

8. Referring to claim 40, Mousseau discloses the wireless communications network is a low-bandwidth network (i.e. wireless is inherently a lower bandwidth network when

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compared to a high-bandwidth network such as a wireline network of Mousseau) (col. 3, line 55 to col. 4, line 25).

9. Referring to claim 41, Mousseau discloses compressing and encrypting the file before delivering the web page (col. 4, lines 35-40).

10. Referring to claim 42, Moussesau discloses that the first request is sent to the web server without an identification of the wireless device type (i.e. merely a request for data) (Figure 3, ref. 100).

11. Claims 43-51 are rejected for similar reasons as stated above.

***Claim Rejections - 35 USC § 103***

Claims 36-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spyglass Prism 'Concepts and Applications' (c) 1997 (hereinafter Spyglass) (cited by Applicant in IDS) in view of Vishwanath et al. (USPN 6,216,157) (hereinafter Vishwanath).

12. Referring to claim 36, Spyglass discloses a method for transferring data to a wireless device over a wireless communications network, said method comprising the comprising:

configuring a web server so that users of a plurality of different types of wireless devices can access web pages on the Internet over their corresponding wireless communications network through the web server (p. 2, Figure on middle of page);

receiving a first request at the web server to view a particular Internet web page that is sent from one of the plurality of wireless devices over the corresponding wireless communications network for that device using a transport protocol, wherein the transport protocol includes an element which identifies the type of wireless device making the request (p. 2, "once connected, the device identifies itself and the user to the Spyglass Prism");

in response, sending a second request for the web page to a destination server containing the web page (p. 2, "Spyglass Prism access the URL requested by the user");

receiving the web page at the web server and parsing the web page to remove data that is not displayable on the wireless device based on the wireless device type (p. 2, "Spyglass Prism uses its stored data about the web site, the user and the device to convert the data into the best format for the device; and p. 3, "Filters Content" and "Customizable" sections; and p. 5, "removing element tags" bullet).

Spyglass does not explicitly state the transmission of the data packets is passed by the web server based on the wireless network type. In analogous art, Vishwanath discloses another method of transferring data to a wireless device (Figure 6, ref. 300), which the transmission of the data packets is passed by the web server based on the wireless network type (i.e. adapted output delivered through the medium to the client



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based on the medium of transmission) (e.g. abstract). It would have been obvious to one of ordinary skill in the art to combine the teaching of Vishwanath with Spyglass in order to automatically handle such diverse applications and transmission media such that different applications can be automatically modified based on the resources available from the transmission media and the clients as supported by Vishwanath (col. 2, lines 1-5).

13. Referring to claims 37-43, they are all inherent features of the system described above.

14. Claims 44-51 are rejected for similar reasons as stated above.

### ***Response to Amendment***

15. Applicant's arguments filed November 14, 2005 have been fully considered but they are moot in view of the cancelled claims.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA  
January 3, 2006



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